

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

UNITED STATES OF AMERICA

VS.

1. SIMON RICARTE BALDERAS, JR.,
aka BJ
2. EFREM GONZALEZ GAMEZ
3. JOSE ZAVALA
4. RENE ZAVALA
5. MARK ANTHONY GOMEZ aka Moco
6. JOHN CARROLL
7. SAM LEAL
8. JOEY PAUP
9. TANYA SMITH aka CC
10. BRANDY RODGERS aka Brandy McNinch
11. JAIME LONG
12. MANUEL ESCOBAR
13. TORIBIA GLORIA MEDINA
14. JEFF ATTAWAY
15. EDUARDO VASQUEZ, JR. aka Callette
16. STANLEY DREW BURKHART
17. SIMON BALDERAS, SR.
18. JACINTO MARTINEZ aka Jr.
19. DAVID BRANCH

NO. 6:06CR

27

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

VIOLATION: Title 21, United States Code, Section 846
(Conspiracy to possess with intent to distribute and distribution of more than
10 kilograms of methamphetamine)

Beginning at a date unknown to the Grand Jury and continuing thereafter up to and beyond the date of this indictment, in the Eastern District of Texas, and elsewhere, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants charged herein, did knowingly and intentionally combine, conspire, confederate, and agree together and with others known and unknown to the grand jury, to violate the laws of the United States, to wit, Title 21, United States Code, Section 841(a)(1), prohibiting the knowing and intentional possession with intent to distribute and distribution of more than 10 kilograms of methamphetamine, a Schedule II controlled substance, as hereafter set forth:

MANNER AND MEANS

The primary goal of the conspiracy was to distribute methamphetamine for profit. The conspirators obtained methamphetamine from multiple sources and distributed methamphetamine in the Eastern District of Texas, Louisiana, Florida and elsewhere. The conspirators maintained firearms to protect the methamphetamine distribution business and traded and sold firearms as a part of the drug business. From time to time during the conspiracy, individual co-conspirators would work for or act on behalf of other co-conspirators to further the goal of methamphetamine distribution.

Overt Acts

1. On or about February 24, 2005, in Tyler, Texas, defendant Simon Ricarte Balderas, Jr. aka BJ (hereafter "Balderas") distributed approximately 37 grams (actual) of methamphetamine for \$1600.
2. On or about March 24, 2005 in Tyler, Texas, defendants Balderas, Efrem Gonzalez Gamez (hereafter "Gamez") and Brandy Rodgers aka Brandy McNinch (hereafter "Brandy Rodgers") distributed approximately 32.2 grams (actual) of methamphetamine for \$1600.
3. On or about April 7, 2005, in Tyler, Texas during a traffic stop, defendant Balderas stated he was the leader of the "Nortenos" gang and showed tattoos on his back.
4. On or about April 8, 2005, in Tyler, Texas, defendants Gamez and Mark Anthony Gomez aka Moco (hereafter "Gomez") distributed approximately 32.2 grams (actual) methamphetamine for \$1600.
5. On or about April 19, 2005, in Smith County, Texas, defendant Jose Zavala distributed approximately 14.01 grams methamphetamine for \$500.
6. On or about July 22, 2005, in Tyler, Texas, defendant Balderas, accompanied by defendant John Carroll, returned a rental car to Enterprise rental and then drove to Balderas' residence at 1210 N. Bois D' Arc.
7. On or about July 27, 2005, in Tyler, Texas, defendant Jamie Long distributed approximately 51 grams (actual) methamphetamine for \$2000.
8. On or about September 6, 2005, an unindicted coconspirator and defendant Tanya Smith aka CC discussed the distribution of methamphetamine and that Fazande was traveling to Shreveport, Louisiana to pick up money to purchase methamphetamine.

9. On or about September 7, 2005, defendant Balderas distributed approximately 11.9 grams (actual) of methamphetamine for \$450.
10. On or about September 8, 2005, at his residence located at 1210 N. Bois D' Arc, Tyler, Texas, defendant Balderas possessed approximately 1 pound of methamphetamine and numerous firearms and distributed approximately 21.3 grams (actual) of methamphetamine.
11. On or about September 9, 2005, at his residence in Tyler, Texas, defendant Balderas, distributed approximately 13 grams (actual) of methamphetamine and discussed the distribution of methamphetamine in Texas, Louisiana, and Florida.
12. On or about September 20, 2005, at his residence in Tyler, Texas defendant Balderas possessed a firearm and distributed approximately 40.7 grams (actual) of methamphetamine for \$1600.
13. On or about September 21, 2005, at his residence in Tyler, Texas, defendant Balderas discussed the distribution of methamphetamine, possessed firearms, possessed a large amount of cash for purchasing methamphetamine, and sold a Norinco, SKS 7.62 assault rifle.
14. On or about October 5, 2005, defendants Simon Balderas, Sr. and Balderas, distributed approximately 172 grams (actual) methamphetamine in Louisiana.
15. On or about October 21, 2005, at his residence in Tyler, Texas, defendant Balderas possessed numerous firearms and discussed the arrest of an unindicted coconspirator in Louisiana.
16. On or about December 7, 2005, at his residence in Tyler, Texas, defendant Balderas, along with defendant Joey Paup, discussed the distribution of methamphetamine.
17. On or about December 8, 2005, in Tyler, Texas, defendants Balderas and Brandy Rogers

possessed approximately \$11,267.

18. On or about January 4, 2006, defendants Jose Zavala and Rene Zavala discussed the distribution of methamphetamine and distributed approximately 24 grams of methamphetamine.

19. On or about January 5, 2006, defendant Rene Zavala discussed the distribution of methamphetamine.

20. On or about January 6, 2006, defendants Jose Zavala and Rene Zavala arranged for the purchase of methamphetamine in Dallas, Texas and possessed \$10,000 for the purchase of methamphetamine.

21. On or about January 19, 2006, in Longview, Texas, defendants Manuel Escobar and Toribia Gloria Medina, possessed approximately 10 ounces (approximately 250 grams) of methamphetamine and an SKS type assault rifle.

22. On or about January 24, 2006, in Smith County, Texas, defendants Rene Zavala and Jose Zavala discussed the distribution of methamphetamine and firearms, and distributed approximately 14 grams of methamphetamine and a .22 caliber rifle.

23. On or about January 25, 2006, defendant Jose Zavala discussed methamphetamine distribution and defendants Balderas' and Jeff Attaway's involvement. Defendant Jose Zavala traveled to defendant Balderas' residence where there was more discussion regarding the distribution and sale of methamphetamine. Defendant Brandy Rodgers arrived at the residence and defendant Jose Zavala obtained methamphetamine from defendant Balderas.

24. On or about January 26, 2006, defendant Jose Zavala discussed the distribution of methamphetamine and distributed approximately 25 grams of methamphetamine.

25. On or about February 3, 2006, defendants Balderas, Rene Zavala, Jose Zavala,

and Stanley Drew Burkhardt possessed approximately 1000 grams (one kilogram) of methamphetamine.

26. On or about from a date unknown up to and through the date of this indictment, defendant David Branch distributed methamphetamine and other controlled substances for defendant Balderas.

27. On or about February 15, 2006, defendants Eduardo Vasquez, Jr. aka Callette and Sam Leal distributed approximately 28 grams of methamphetamine.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about February 24, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 37 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 3

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about March 24, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 32.2 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 4

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about April 8, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 32.2 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 5

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about April 19, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 14 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 6

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about July 27, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 51 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 7

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about September 7, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 11.9 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 8

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about September 8, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 1 pound and did distribute approximately 21.3 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 9

VIOLATION: Title 18, United States Code, Section 924(c) and Section 2
(Use and carrying of a firearm in furtherance of a drug trafficking crime)

On or about September 8, 2005 in the Eastern District of Texas, defendants SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess a firearm, during and in relation to and in furtherance of a drug trafficking crime, that is; a violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 8 of this indictment in violation of Title 18, United States Code, Section, 924(c) and Title 18, United States Code, Section 2.

COUNT 10

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about September 9, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 13 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 11

VIOLATION: Title 18, United States Code, Section 924(c) and Section 2
(Use and carrying of a firearm in furtherance of a drug trafficking crime)

On or about September 9, 2005 in the Eastern District of Texas, defendants SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess a firearm, during and in relation to and in furtherance of a drug trafficking crime, that is; a violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 10 of this indictment in violation of Title 21, United States Code, Section 924(c), and Title 18, United States Code, Section 2.

COUNT 12

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about September 20, 2005 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 40.7 grams (actual) of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 13

VIOLATION: Title 18, United States Code, Section 924(c) and Section 2 (Use and carrying of a firearm in furtherance of a drug trafficking crime)

On or about September 20, 2005 in the Eastern District of Texas, defendants SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess a firearm during and in relation to and in furtherance of a drug trafficking crime, that is; a violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 12 of this indictment, in violation of Title 18, United States Code, Section 924(c), and Title 18, United States Code, Section 2.

COUNT 14

VIOLATION: Title 18, United States Code, Section 924(c) and Section 2 (Use and carrying of a firearm in furtherance of a drug trafficking crime)

On or about September 21, 2005 in the Eastern District of Texas, defendants SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally use and possess a firearm, to wit: a Norinco, SKS 7.62 assault rifle, during and in relation to and in furtherance of a drug trafficking crime, that is; a violation of Title 21, United States Code, Section 846 as alleged in Count 1 of this indictment, conspiracy to possess with intent to distribute methamphetamine, in violation of Title 18, United States Code, Section 924(c) and Title 18, United States Code, Section 2.

COUNT 15

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about January 4, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 24 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 16

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about January 19, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 250 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 17

VIOLATION: Title 18, United States Code, Section 924(c) and Section 2 (Use and carrying of a firearm in furtherance of a drug trafficking crime)

On or about January 19, 2006 in the Eastern District of Texas, defendants SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess a firearm, to wit: an SKS type assault rifle, during and in relation to and in furtherance of a drug trafficking crime, that is; a violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 16 of this indictment, in violation of Title 18, United States Code, Section 924(c), and Title 18, United States Code, Section 2.

COUNT 18

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about January 24, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 14 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 19

VIOLATION: Title 18, United States Code, Section 924(c) and Section 2 (Use and carrying of a firearm in furtherance of a drug trafficking crime)

On or about January 24, 2006 in the Eastern District of Texas, defendants SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally use and possess a firearm, to wit: a .22 caliber rifle, during and in relation to and in furtherance of a drug trafficking crime, that is; a violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 18 of this indictment, in violation of Title 18, United States Code, Section 924(c) and Title 18, United States Code, Section 2.

COUNT 20

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about January 26, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 25 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 21

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about February 3, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 1000 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 22

VIOLATION: Title 18, United States Code, Section 922(g)(1)
(Felon in possession of a firearm)

On or about September 21, 2005 in Tyler, in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, defendant herein, did knowingly and unlawfully possess a firearm, to wit: a Norinco, SKS 7.62 assault rifle, which firearm had been shipped in interstate commerce and said defendant possessed the firearm after having been convicted of a crime punishable by a term of imprisonment exceeding one year, specifically the felony offense of aggravated assault for which he was convicted in the 241st Judicial District Court of Smith County, Texas on June 21, 1993; in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 23

VIOLATION: Title 18, United States Code, Section 922(g)(1)
(Felon in possession of a firearm)

On or about January 24, 2006, in the Eastern District of Texas, JOSE ZAVALA, defendant herein, did knowingly and unlawfully possess a firearm, to wit: a .22 caliber rifle, which firearm had been shipped in interstate commerce and said defendant possessed the firearm after having been convicted of a crime punishable by a term of imprisonment exceeding one year, specifically the felony offense of possession of marijuana for which he was convicted in the 7th Judicial District Court of Smith County, Texas on October 25, 1999; in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 24

VIOLATION: Title 18, United States Code, Section 922(g)(5)
(Possession of a firearm while illegally in the United States)

On or about January 19, 2006 in the Eastern District of Texas, MANUEL ESCOBAR, defendant herein, who was an alien and was then illegally or unlawfully in the United States, did knowingly and unlawfully possess in and affecting commerce, a firearm, to wit: an SKS type assault rifle, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

COUNT 25

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about February 8, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 28 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 26

VIOLATION: Title 21, United States Code, Section 841(a)(1)
(Possession with intent to distribute methamphetamine)

On or about February 15, 2006 in the Eastern District of Texas, SIMON RICARTE BALDERAS, JR. aka BJ, EFREM GONZALEZ GAMEZ, JOSE ZAVALA, RENE ZAVALA, MARK ANTHONY GOMEZ aka Moco, JOHN CARROLL, SAM LEAL, JOEY PAUP, TANYA SMITH aka CC, BRANDY RODGERS aka Brandy McNinch, JAIME LONG, MANUEL ESCOBAR, TORIBIA GLORIA MEDINA, JEFF ATTAWAY, EDUARDO VASQUEZ, JR. aka Callette, STANLEY DREW BURKHART, SIMON BALDERAS, SR., JACINTO MARTINEZ aka Jr. and DAVID BRANCH, defendants herein, did knowingly and intentionally possess with intent to distribute approximately 28 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. §§ 924(d)(1) and 3665, 21 U.S.C. § 853 and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this
Indictment [18 U.S.C. §§ 924(d)(1) and 3665, 21 U.S.C. § 853 and 28 U.S.C. § 2461],

Defendants herein, shall forfeit to the United States pursuant to:

1. any property constituting, or derived from, and proceeds the Defendants obtained, directly or indirectly, as the result of such violation; and
2. any of the Defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, including, but not limited to the following:

Personal Property

1. All United States currency including \$11,267 seized from the Defendant Balderas in Tyler, Texas on December 8, 2005; and
2. All firearms including an SKS type assault rifle seized in Longview on January 19, 2006.

Real Property

All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments and easements located:

1. 1206 N. Bois D' Arc, Tyler, TX 75702, map #C17, Grid # I-16.1, Abst/Sub#187400, Lot/Tract: #LT00022, Block: BL 04080.
2. 1210 N. Bois D' Arc, Tyler, TX 75702, map #C17, Grid # I-16.1, Abst/Sub#187400, Lot/Tract: #LT00028, Block: BL 04080.
3. 1216 N. Bois D' Arc, Tyler, TX 75702, map #C17, Grid # I-16.1, Abst/Sub#187400, Lot/Tract: #LT00027, Block: BL 04080.
4. 8532 CR 35 (Lavender Road) Tyler, TX 75706, map #10815, Grid # I-14.3, Abst/Sub#100177, Lot/Tract: #TR14.1.

Conveyance

2001red Chevrolet Camaro TXLP#L81-CKR
2000 tan Chevrolet pickup TXLP# 5MN-X70

Cash Proceeds

Approximately \$1,000,000 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of Defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by Defendant.


By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. §§ 924(d)(1) and 3665, 21 U.S.C. § 853 and 28 U.S.C. § 2461.

3/7/06
DATE

A TRUE BILL,


FOREMAN OF THE GRAND JURY

MATTHEW D. ORWIG
United States Attorney


Bill Baldwin
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

VS:

NO. 6:06CR _____

1. SIMON RICARTE BALDERAS, JR.,
aka BJ
2. EFREM GONZALEZ GAMEZ
3. JOSE ZAVALA
4. RENE ZAVALA
5. MARK ANTHONY GOMEZ aka Moco
6. JOHN CARROLL
7. SAM LEAL
8. JOEY PAUP
9. TANYA SMITH aka CC
10. BRANDY RODGERS aka Brandy McNinch
11. JAIME LONG
12. MANUEL ESCOBAR
13. TORIBIA GLORIA MEDINA
14. JEFF ATTAWAY
15. EDUARDO VASQUEZ, JR. aka Callette
16. STANLEY DREW BURKHART
17. SIMON BALDERAS, SR.
18. JACINTO MARTINEZ aka Jr.
19. DAVID BRANCH

NOTICE OF PENALTY

COUNTS 1, 6, 8, 16, 21

Violation: 21 U.S.C. § 846 and 841(a)(1)

Penalty: Not less than 10 years or not more than life imprisonment, a fine not to exceed \$4 million, or both - supervised release of at least 5 years.

Special Assessment: \$100.00 each count

COUNTS 2-4, 7, 10, 12

Violation: 21 U.S.C. § 841(a)(1)

Penalty: Not less than 5 years or not more than 40 years imprisonment, a fine not to exceed \$2 million, or both - supervised release of at least 4 years.

Special Assessment: \$100.00 each count

COUNTS 5, 15, 18, 20, 25-26

Violation: 21 U.S.C. § 841(a)(1)

Penalty: Not more than 20 years imprisonment, a fine not to exceed \$1 million, or both - supervised release of at least 3 years.

Special Assessment: \$100.00 each count

COUNTS 9, 11, 13, 14, 17 and 19

Violation: 18 U.S.C. § 924(c)

Penalty: Imprisonment for not less than 5 years nor more than life which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, and supervised release of not more than 5 years.

In the case of a second or subsequent conviction under this section, a sentence of not less than 25 years nor more than life which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, and supervised release of not more than 5 years.

Special Assessment: \$100.00 each count

COUNTS 22-23

Violation: 18 U.S.C. § 922(g)(1)

Penalty: Not more than 10 years imprisonment, a fine not to exceed \$250,000, or both, and supervised release of not more than 3 years.

Special Assessment: \$100.00 each count

COUNT 24

Violation: 18 U.S.C. § 922(g)(5)

Penalty: Not more than 10 years imprisonment, a fine not to exceed
\$250,000, or both, and supervised release of not more than 3 years.
18 U.S.C. § 924(a)(2)

Special Assessment: \$100.00